

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

MANUEL BELIZ,

Plaintiff,

v.

U.S.P.S. TIGARD BRANCH STATION,

Defendant.

No. 3:18-cv-01118-YY

OPINION AND ORDER

MOSMAN, J.,

On July 7, 2018, Magistrate Judge Youlee Yim You issued her Findings and Recommendation (F&R) [7], recommending that Plaintiff's Complaint [1] should be dismissed with prejudice. Plaintiff objected [10] to Judge You's F&R.

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See*

Thomas v. Arn, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

Upon review, I agree with Judge You's recommendation and I ADOPT the F&R [7] in full as my own opinion. The decision is AFFIRMED. I agree with Judge You that this court lacks jurisdiction according to 28 U.S.C. § 2680(b), and thus I DISMISS this case with prejudice.

IT IS SO ORDERED.

DATED this 13th day of September, 2018.

/s/Michael W. Mosman
MICHAEL W. MOSMAN
Chief United States District Judge